CHAPTER NO. <u>13</u>

SENATE BILL NO. 73

INTRODUCED BY GOODOVER, DOVER

IN THE SENATE

January 5, 1979 Introduced and referred to Committee on Business and Industry. January 15, 1979 Committee recommend bill do pass as amended. Report adopted. January 16, 1979 Printed and placed on members' desks. January 17, 1979 Second Reading, do pass. January 19, 1979 Considered correctly engrossed. January 20, 1979 Third Reading, passed. Transmitted to Second House. IN THE HOUSE January 22, 1979 Introduced and referred to Committee on Business and Industry. January 26, 1979 Committee recommend bill be concurred in. Report adopted. Second Reading, concurred in. January 27, 1979 January 30, 1979 Third Reading, concurred in. IN THE SENATE January 31, 1979 Returned from Second House. Sent to enrolling.

Report correctly enrolled.

1 BILL NO. 23 2 INTRODUCED BY Down Bookford 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE TELEVISION 5 DISTRICTS TO PROVIDE AND FINANCE AM OR FIN TRANSLATOR 6 SERVICES UPON PETITION; AMENDING SECTIONS 7-13-2510,

7 7-13-2527, 7-13-2528, AND 7-13-2529, CCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:
 10 <u>NEW SECTIONS</u> Section 1. Authorization for AH or FH
 11 translator. (1) A talevision district may construct and
 12 operate an AH or FR translator facility as provided in this
 13 section.

14 (2) (a) A request to provide AH or FR translator 15 services may be initiated by a petition signed by at least 16 51% of the registered electors of the television district 17 who are owners of units capable of receiving AM or FM 18 broadcasts, and presented to the board of county commissioners which initially established the district. The 19 20 petition, its filing, and its processing are governed by 21 7-13-2503, 7-13-2504, and 7-13-2505.

(b) Upon receiving a certified petition: the board of
county commissioners is to give notice and hold a hearing as
provided in 7-13-2506 and 7-13-2507. After the hearing, the
board of county commissioners shall approve or deny the

petition by resolution. If the decision is to approve the
 petition, the resolution shall authorize the board of
 trustees of the district to provide the requested services
 and shall describe the proposed system, including the type
 of construction, proposed location, and estimated costs.

Section 2. Section 7-13-2510; MCA; is amended to read:
 "7-13-2510. Powers of district. A television district
 organized under this part; acting through its board of
 trustees herein provided for: pay:

10 (1) perform all the acts and take all the necessary or 11 proper steps to assure that there will be a fairs efficients 12 and equitable distribution of television services within the 13 area in order that all persons within such service area 14 shall be supplied by means of an appropriate electrical or 15 electronic system for television program distribution, such 16 authorized system to provide such flexibility as to permit radical improvements in technical quality without rendering 17 16 inoperative receivers therein, but discontinuance of service 19 by the district for improvements or repairs for a temporary 20 period shall not be construed as rendering inoperative;

(2) if necessary or proper in the furtherance of the
objects of this part, acquire, build, construct, repair,
own, maintain, and operate any necessary stations
transmitting simultaneous visual and aural signals intended
to be received by the general public, relay stations, pickup

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INTRODUCED BILL

stations, or any other necessary electrical or electronic systemi (3) make contracts to compensate any owner of land or other property for the use of such property for the purposes of this part; (4) make contracts with the United States, any state or municipality, or any department or agency of those entities for carrying out the general purposes for which the district is formed: (5) acquire, by gift, devise, bequest, lease, or purchase, real and personal property, tangible or intangible, including lands, rights-of-way, and easements, necessary or convenient for its purposes: (6) to make contracts of any lawful nature (including labor contracts or those for employees' benefits) and employ engineers, laboratory personnel, attorneys, other technical or professional assistants, and any other assistants or employees necessary to carry out the provisions of this part; (7) issue warrants, payable at the time stated therein, to evidence the obligation to repay money borrowed

21 therein, to evidence the obligation to repay money borrowed 22 or any other obligation incurred by the district, warrants 23 so issued to draw interest at a rate fixed by the board, not 24 to exceed 5% per year, payable annually or semiannually as 25 the board may prescribe;

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L (8) contract indebtedness or borrow money for 2 corporate purposes and issue revenue bonds therefor to be repaid from rates and charges, bearing interest at a rate 3 not exceeding 6% per annum payable semiannually, the bonds 4 not to be sold for less than par and accrued interest; 5 (9) prescribe tax rates for the providing of services 5 7 throughout the area in accordance with the provisions of this part; 8 9 (10) prescribe such installation or ready-to-serve charges to be used for any costs connected with preparation, 10 11 acquisition; or construction of the system; and 12 (11) apply for, accept, and be the holder of any permit or license issued by or required under federal or state 13 14 lawei and (12) provide AM or EM translator services if authorized 15 as provided in [section 1]." 16 Section 3. Section 7-13-2527, MCA, is amended to read: 17 18 "7-13-2527. List of television or AN or FM receiver 19 owners. (1) A copy of the order creating the district shall be delivered to the county assessor of each county within 20 21 the district. If a district is authorized to provide AM or FM translator services, a copy of the resolution authorizing 22 23 the services is to be delivered to the county assessor of 24 each county within the district.

25 (2) The assessor shall, on or before August 1 of any

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given year, prepare and certify a list of all persons owning 1 2 television sets within such the district and the county and З deliver a copy of such the list to the board of trustees of sold the district. At the same time, if AM or EM translator 4 5 services are authorized. the assessor shall prepare and 6 certify a list of all persons owning units canable of 7 receiving AM or FM broadcasts within the district and the ß county and deliver a conv of the list to the district board 9 of trustees.

10 [3] If the county assessor incurs additional expenses because of the preparation of a list required by this 11 section. the district shall pay those additional expenses." 12 Section 4. Section 7-13-2528, MCA, is amended to read: 13 "7-13-2528。 Financial administration of district. (1) 14 The board of trustees shall, from soid any list so prepared 15 16 by the county assessor as required by 7-13-2527, remove the 17 names of any persons who have claimed exemption under this part and shall prepare a budget for the expenses for the 18 19 next year.

20 (2) The budget, together with the list of such persons 21 residing in the district and subject to the special tax 22 after all exemptions have been allowed as provided in this 23 parts shall be presented by September 1 to the board of 24 county commissioners, who shall levy the tax requested by 25 said trustees. In preparing the budget, the board of

1 trustees shall maintain separate budgets for television 2 services and for AM or FM translator services and shall 3 specify the tax to be levied on owners of television sets and on owners of units capable of receiving AM or FM 4 5 broadcasts. The board shall levy such tax in accordance with the request herein mentioned. The tax shall be certified to б 7 the county clerk and recorder and entered on the assessment 8 books as against such persons and collected by the county Q treasurer as all other taxes are collected. 10 (3) The county treasurer shall be the treasurer for 11 said district and hold said taxes, as collected, in a 12 separate fund to be disbursed by him upon warrants drawn by the trustees, at least two of whom shall sign any warrant 13 for the disbursement of such funds by the county treasurer." 14 Section 5. Section 7-13-2529, MCA, is amended to read: 15 "7-13-2529. Exemption for nonbenefited taxpayers. [1] 16 The taxpayers in the television district who do not receive 17 the signal of the television translator station or who 13 receive direct reception from the television station from 19 which the television translator repeats a signal or receive 20 21 service through the medium of a community antenna system on 22 which they are a subscriber in good standing will be exempt from the payment of the tax for the support of the 23

24 <u>television services of the</u> television district, provided
25 they file an affidavit setting forth any of the grounds

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1 above mentioned. The affidavit shall be filed with the board 2 of trustees, who shall upon the receipt of such affidavit 3 have the names of such persons so exempted from the tax <u>for</u> 4 <u>television services</u> stricken from the list of taxpayers 5 certified to the board of county commissioners. The exempted 6 persons shall not be liable for such tax.

12) <u>A similar exemption is available with respect to</u>
AM or <u>FM translator</u> <u>services</u>. <u>The procedure provided in</u>
<u>subsection (11 shall be utilized for the AM or <u>FM exemptions</u>
10 (2)[3] Any person or persons who shall make a false or
11 fraudulent claim for exemption as provided in this section
12 shall be guilty of a misdemeanor.^m
13 Section 6. Codification. It is intended that section 1
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be codified as an integral part of Title 7, chapter 13, part 25, and the provisions of Title 7, chapter 13, part 25, apply to section 1.

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Approved by Committee on <u>Business and Industry</u>

1	SENATE BILL NO. 73
z	INTRODUCED BY DOVER, GOODOVER
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE TELEVISION
5	DISTRICTS TO PROVIDE AND FINANCE AMOR FM TRANSLATOR
6	SERVICES UPON PETITION; AMENDING SECTIONS 7-13-2510.
7	7-13-2527, 7-13-2528, AND 7-13-2529, 4CA."
9	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	NEW_SECTION. Section 1. Authorization for AMor FM
11	translator. (1) A television district may construct and
12	operate an-AM-or <u>A_BROADCASI</u> FM translator facility <u>[88_10</u>
13	108_HEGACYCLES1 as provided in this section.
14	(2) (a) A request to provide AMor FM translator
15	services may be initiated by a petition signed by at least
16	51% of the registered electors of the television district
17	who are owners of units capable of receiving AMor FM
18	broadcasts <u>(68 IO 108 MEGACYCLES)</u> , and presented to the
19	board of county commissioners which initially established
20	the district. The petition, its filing, and its processing
21	are governed by 7-13-2503, 7-13-2504, and 7-13-2505.
22	(b) Upon receiving a certified petition, the board of
23	county commissioners is to give notice and hold a hearing as

provided in 7-13-2506 and 7-13-2507. After the hearing, the

board of county commissioners shall approve or deny the

1	petition by resolution. If the decision is to approve the
2	petition, the resolution shall authorize the board of
3	trustees of the district to provide the requested services
4	and shall describe the proposed system, including the type
5	of construction+ proposed location+ and estimated costs+
6	Section 2. Section 7-13-2510, MCA, is amended to read:
7	#7-13-2510. Powers of district. A television district
8	organized under this part, acting through its board of
9	trustees herein provided for: may:
10	 perform all the acts and take all the necessary or
11	proper steps to assure that there will be a fair+ efficient+
12	and equitable distribution of television services within the
13	area in order that all persons within such service area
14	shall be supplied by means of an appropriate electrical or
15	electronic system for television program distribution, such
16	authorized system to provide such flexibility as to permit
17	radical improvements in technical quality without rendering
18	inoperative receivers therein, but discontinuance of service
19	by the district for improvements or repairs for a temporary
20	period shall not be construed as rendering inoperative;
21	(2) if nucessary or proper in the furtherance of the
22	objects of this part, acquire, build, construct, repair,
23	own, maintain, and operate any necessary stations
٤4	transmitting simultaneous visual and aural signals intended

25 to be received by the general public, relay stations, pickup

-2- SECOND READING

ı	stations, or any other necessary electrical or electronic	1
2	system;	ä
3	(3) make contracts to compensate any owner of land or	1
4	other property for the use of such property for the purposes	l l
5	of this part;	5
6	(4) make contracts with the United States, any state	e
7	or municipality, or any department or agency of those	1
8	entities for carrying out the general purposes for which the	ŧ
9	district is formed;	ç
10	(5) acquire, by gift, devise, bequest, lease, or	10
11	purchase, real and personal property, tangible or	11
12	intangible, including lands, rights-of-way, and easements,	13
13	necessary or convenient for its purposes;	1
14	(6) to make contracts of any lawful nature (including	1
15	labor contracts or those for employees' benefits) and employ	1
16	engineers+ laboratory personnel+ attorneys+ other technical	1
17	or professional assistants, and any other assistants or	1
18	employees necessary to carry out the provisions of this	1
19	part;	1
20	(7) issue warrants, payable at the time stated	20
21	therein, to avidance the obligation to repay money borrowed	2
22	or any other obligation incurred by the district, warrants	23
23	so issued to draw interest at a rate fixed by the board, not	2
24	to exceed 5% per year, payable annually or semiannually as	2.
25	the board may prescribe;	21

ı	(8) contract indebtedness or borrow money for
2	corporate purposes and issue revenue bonds therefor to be
3	repaid from rates and charges, bearing interest at a rate
4	not exceeding of per annum payable semiannually, the bonds
5	not to be sold for less than par and accrued interest;
6	(9) prescribe tax rates for the providing of services
7	throughout the area in accordance with the provisions of
8	this part;
9	(10) prescribe such installation or ready-to-serve
10	charges to be used for any costs connected with preparation.
11	acquisition, or construction of the system; and
12	(11) apply for, accept, and be the holder of any permit
13	or license issued by or required under federal or state
14	laws <u>:_and</u>
15	(12) provide AM-or EM_translator_services_if_authorized
16	as provided in [section 1]*"
17	Section 3. Section 7-13-2527, MCA, is amended to read:
18	"7-13-2527。 List of television <u>or_AM or_FM_receiver</u>
19	owners. (1) A copy of the order creating the district shall
20	be delivered to the county assessor of each county within
21	the district. <u>If a district is authorized to provide</u> <u>AMor</u>
22	Etranslator_services.a copy of the resolution authorizing
23	the services is to be delivered to the county assessor of
24	each_county_within_the_district.
25	(2) The assessor shalls on or before August I of any

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1 given year, prepare and certify a list of all persons owning television sets within such the district and the county and 2 deliver a copy of such the list to the board of trustees of 3 sold the district. At the same time, if AM-or FM translator 4 services are authorized, the assessor shall prepare and 5 certify a list of all persons owning units capable of 6 7 receiving AM-or EM broadcasts 188 DR 108 MEGACYCLES1 within 8 the district and the county and deliver a copy of the list 9 to the district board of trustees. 10 (3) If the county assessor incurs additional expenses 11 because of the preparation of a list required by this section, the district shall pay those additional expenses." 12 Section 4. Section 7-13-2528, MCA, is amended to read: 13 "7-13-2528. Financial administration of district. (1) 14 The board of trustees shall, from said any list so prepared 15 by the county assessor as required by 7-13-2527, remove the 16 names of any persons who have claimed exemption under this 17 part and shall prepare a budget for the expenses for the 18 19 next year.

20 (2) The budget, together with the list of such persons
21 residing in the district and subject to the special tax
22 after all exemptions have been allowed as provided in this
23 part, shall be presented by September 1 to the board of
24 county commissioners, who shall levy the tax requested by
25 said trustees, <u>In preparing the budgets the board of</u>

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1 trustees_shall_maintain_separate_budgets_for_television services and for AM-or EM_translator_services_and_shall 2 3 specify the tax to be levied on owners of television sets 4 and on owners of units capable of receiving AM--or FM 5 broadcasts (88 TO 108 MEGACYCLES). The board shall levy such tax in accordance with the request herein mentioned. The tax 6 7 shall be certified to the county clerk and recorder and 8 entered on the assessment books as against such persons and collected by the county treasurer as all other taxes are 9 collected. 10 11 (3) The county treasurer shall be the treasurer for

12 said district and hold said taxes, as collected, in a 13 separate fund to be disbursed by him upon warrants drawn by 14 the trustees, at least two of whom shall sign any warrant 15 for the disbursement of such funds by the county treasurer." 16 Section 5. Section 7-13-2529, MCA, is amended to read: 17 *7-13-2529. Exemption for nonbenefited taxpayers. (1) The taxpayers in the television district who do not receive 18 the signal of the television translator station or who 19 20 receive direct reception from the television station from which the television translator repeats a signal or receive 21 service through the medium of a community antenna system on 22 23 which they are a subscriber in good standing will be exempt 24 from the payment of the tax for the support of the television services of the television district, provided 25

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they file an affidavit setting forth any of the grounds above mentioned. The affidavit shall be filed with the board of trustees, who shall upon the receipt of such affidavit have the names of such persons so exempted from the tax for <u>television_services</u> stricken from the list of taxpayers certified to the board of county commissioners. The exempted persons shall not be liable for such tax.

8 (2) <u>A similar exemption is available with respect to</u>
 9 <u>Atter EM translator services. The procedure provided in</u>
 10 <u>subsection (11 shall be utilized for the Atter EM exemptions</u>
 11 <u>(2)(3)</u> Any person or persons who shall make a false or
 12 fraudulent claim for exemption as provided in this section
 13 shall be guilty of a misdemeanor."

Section 6. Codification. It is intended that section 1 be codified as an integral part of Title 7, chapter 13, part 25, and the provisions of Title 7, chapter 13, part 25, apply to section 1.

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 <u>NEW SECTION</u> Section 1. Authorization for AM--or FM 11 translator. (1) A television district may construct and 12 operate an-AM-or <u>A_BROADCAST</u> FM translator facility <u>(88_TO</u> 13 <u>108_MEGAHERIZ1</u> as provided in this section.

(2) (a) A request to provide AH--or FM translator 14 services may be initiated by a petition signed by at least 15 51% of the registered electors of the television district 16 who are owners of units capable of receiving AM--or FM 17 broadcasts (88 TO 108 MEGAHERIZI, and presented to the board 16 of county commissioners which initially established the 19 district. The petition, its filing, and its processing are 20 governed by 7-13-2503, 7-13-2504, and 7-13-2505. 21

(b) Upon receiving a certified petition, the board of
county commissioners is to give notice and hold a hearing as
provided in 7-13-2506 and 7-13-2507. After the hearing, the
board of county commissioners shall approve or deny the

petition by resolution. If the decision is to approve the
 petition, the resolution shall authorize the board of
 trustees of the district to provide the requested services
 and shall describe the proposed system, including the type
 of construction, proposed location, and estimated costs.

6 Section 2. Section 7-13-2510, MCA, is amended to read:

7 "7-13-2510. Powers of district. A television district
 8 organized under this part, acting through its board of
 9 trustees herein provided for: may:

(1) perform all the acts and take all the necessary or 10 proper steps to assure that there will be a fair, efficient, 11 and equitable distribution of television services within the 12 area in order that all persons within such service area 13 shall be supplied by means of an appropriate electrical or 14 15 electronic system for television program distribution, such 16 authorized system to provide such flexibility as to permit 17 radical improvements in technical quality without rendering 18 inoperative receivers therein, but discontinuance of service 19 by the district for improvements or repairs for a temporary 20 period shall not be construed as rendering inoperative;

(2) if necessary or proper in the furtherance of the
objects of this part, acquire, build, construct, repair,
own, maintain, and operate any necessary stations
transmitting simultaneous visual and aural signals intended
to be received by the general public, relay stations, pickup

-2- SB 73 THIRD READING

SB 0073/02

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money

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1. stations, or any other necessary electrical or electronic z system: (3) make contracts to compensate any owner of land or 3 other property for the use of such property for the purposes 4 5 of this part: (4) make contracts with the United States, any state 6 or municipality, or any department or agency of those 7 entities for carrying out the general purposes for which the 8 district is formed: 0 (5) acquire, by gift, devise, bequest, lease, or 10 purchase, real and personal property, tangible or 11 12 intangible, including lands, rights-of-way, and easements, necessary or convenient for its purposes; 13 14 (6) to make contracts of any lawful nature (including 15 labor contracts or those for employees' benefits) and employ engineers. laboratory personnel, attorneys, other technical 16 17 or professional assistants, and any other assistants or employees necessary to carry out the provisions of this 18 19 part; 20 (7) issue warrants, payable at the time stated therein. to evidence the obligation to repay money borrowed 21 22 or any other obligation incurred by the district, warrants 23 so issued to draw interest at a rate fixed by the board, not 24 to exceed 5% per year, payable annually or semiannually as 25 the board may prescribe;

2 corporate purposes and issue revenue bonds therefor to be repaid from rates and charges, bearing interest at a rate 3 4 not exceeding 6% per annum payable semiannually+ the bonds not to be sold for less than par and accrued interest; 5 6 (9) prescribe tax rates for the providing of services 7 throughout the area in accordance with the provisions of ß this part: (10) prescribe such installation or ready-to-serve 9 charges to be used for any costs connected with preparation. 10 acquisition, or construction of the system; and 11 (11) apply for, accept, and be the holder of any permit 12 13 or license issued by or required under federal or state 14 lawwi_and 15 (12) provide AM-or FM translator services if authorized as provided in [section 1]." 16 17 Section 3. Section 7-13-2527. MCA. is amended to read: "7-13-2527. List of television or-AM or FM receiver 18 19 owners. (1) A copy of the order creating the district shall 20 be delivered to the county assessor of each county within 21 the district. If a district is authorized to provide AM-or 22 FM_translator_services.a.copy_of_the_resplution_authorizing 23 the services is to be delivered to the county assessor, of 24 each county within the district.

(8) contract indebtedness or borrow

25 (2) The assessor shall, on or before August 1 of any

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given year, prepare and certify a list of all persons owning 1 television sets within such the district and the county and 2 deliver a copy of such the list to the board of trustees of 3 sold the district. At the same times if AM-or EM_translator 4 services are authorized, the assessor shall prepare and 5 certify a list of all persons owning units capable of 6 receiving AM--or EM_broadcasts 188_OR_106_MEGAHERIZ1 within 7 the district and the county and deliver a copy of the list to the district board of trustees. 9

(3) If the county assessor incurs additional expenses 10 because of the preparation of a list required by this 11 sections__the_district_shall_pay_those_additional_expenses." 12 13 Section 4. Section 7-13-2528, NCA, is amended to read: 14 #7-13-2528. Financial administration of district. (1) 15 The board of trustees shall, from said any list so prepared 16 by the county assessor as required by 7-13-2527. remove the 17 names of any persons who have claimed exemption under this 18 part and shall prepare a budget for the expenses for the 19 next year.

20 (2) The budget, together with the list of such persons 21 residing in the district and subject to the special tax 22 after all exemptions have been allowed as provided in this 23 part, shall be presented by September 1 to the board of 24 county commissioners, who shall levy the tax requested by 25 said trustees. In preparing the budget, the board of

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1 trustees shall__maintain__separate__budgets__for__television 2 services and for AM--or EM translator services and shall specify the tax to be levied on owners of television sets ч and on owners of units capable of receiving AM-or FM 4 5 broadcasts (88 IO 108 MEGAHERIZ). The board shall levy such tax in accordance with the request herein mentioned. The tax shall be certified to the county clerk and recorder and 7 **Q** entered on the assessment books as against such persons and collected by the county treasurer as all other taxes are Q collected. 10

(3) The county treasurer shall be the treasurer for 11 said district and hold said taxes, as collected, in a 12 separate fund to be disbursed by him upon warrants drawn by 13 the trustees, at least two of whom shall sign any warrant 14 for the disbursement of such funds by the county treasurer." 15 16 Section 5. Section 7-13-2529, MCA, is amended to read: 17 #7-13-2529. Exemption for nonbenefited taxpayers. (1) The taxpayers in the television district who do not receive 18 19 the signal of the television translator station or who 20 receive direct reception from the television station from which the television translator repeats a signal or receive 21 22 service through the medium of a community antenna system on 23 which they are a subscriber in good standing will be exempt from the payment of the tax for the support of the 24 25 television_services_of_the television district, provided

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they file an affidavit setting forth any of the grounds above mentioned. The affidavit shall be filled with the beend of trustees. who shall upon the receipt of such affidavit have the names of such persons so exempted from the tax for television_services stricken from the list of taxpayers certified to the board of county commissioners. The exempted persons shall not be liable for such tax.

8 [2] A similar exemption is available with respect to 9 AN-er EM translator_services. The procedure provided in 10 subsection_(1)_shall be utilized for the AH-or EH exemption. 11 (2)(3) Any person or persons who shall make a false or 12 fraudulent claim for exemption as provided in this section 13 shall be guilty of a misdemeanor." 14 Section 6. Codification. It is intended that section 1 15 be codified as an integral part of Title 7, chapter 13, part

16 25, and the provisions of Title 7, chapter 13, part 25, 17 apply to section 1.

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SB 0073/03

INTRODUCED BY DOVER+ GOODOVER Z 3 A BILL FUR AN ACT ENTITLED: "AN ACT TO AUTHORIZE TELEVISION 4 5 DISTRICTS TO PROVIDE AND FINANCE AM--OR FM TRANSLATOR SERVICES UPON PETITION: AMENDING SECTIONS 7-13-2510+ 6 7-13-2527, 7-13-2528, AND 7-13-2529, MCA." 7 ٩ BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 NEW SECTION. Section 1. Authorization for AM--or FM 10 translator. (1) A television district may construct and 11 operate on-AA-or A_BROADCASI FM translator facility [88__10 żΖ 10g_MEGAHERIZ1 as provided in this section. 13 (2) (a) A request to provide AH--or FN translator 14

SENATE BILL NO. 73

15 services may be initiated by a petition signed by at least 16 51z of the registered electors of the television district 17 who are owners of units capable of receiving AM--or FM 18 broadcasts <u>(BB_TU_108_HEGAHERIZ</u>), and presented to the board 19 of county commissioners which initially established the 20 district. The petition, its filing, and its processing are 21 governed by 7-13-2503, 7-13-2504, and 7-13-2505.

(b) Upon receiving a certified petition, the board of
 county commissioners is to give notice and hold a hearing as
 provided in 7-13-2506 and 7-13-2507. After the hearing, the
 board of county commissioners shall approve or deny the

petition by resolution. If the decision is to approve the
 petition, the resolution shall authorize the board of
 trustees of the district to provide the requested services
 and shall describe the proposed system, including the type
 of construction, proposed location, and estimated costs.

6 Section 2. Section 7-13-2510. MCA. is amended to read:

7 *7-13-2510. Powers of district. A television district
8 organized under this part. acting through its board of
9 trustees herein provided for. may:

10 (1) perform all the acts and take all the necessary or proper steps to assure that there will be a fair, efficient, 11 12 and equitable distribution of television services within the 13 area in order that all persons within such service area shall be supplied by means of an appropriate electrical or 14 electronic system for television program distribution, such 15 authorized system to provide such flexibility as to permit 16 17 radical improvements in technical quality without rendering 18 inoperative receivers therein, but discontinuance of service 19 by the district for improvements or repairs for a temporary 27 period shall not be construed as rendering inoperative;

(2) if necessary or proper in the furtherance of the
objects of this part, acquire, build, construct, repair,
own, muintain, and operate any necessary stations
transmitting simultaneous visual and aural signals intended
to be received by the general public, relay stations, pickup

-2- SB 73 REFERENCE BILL

1 stations: or any other necessary electrical or electronic
2 system;

3 (3) make contracts to compensate any owner of land or
4 other property for the use of such property for the purposes
5 of this part;

6 (4) make contracts with the United States, any state
7 or municipality, or any department or agency of those
8 entities for carrying out the general purposes for which the
9 district is formed;

10 {5} acquire. by gift. devise. bequest. lease. or 11 purchase. real and personal property. tangible or 12 intangible. including lands. rights-of-way. and easements. 13 necessary or convenient for its purposes;

14 (b) to make contracts of any lawful nature (including 15 labor contracts or those for employees' benefits) and employ 16 engineers, laboratory personnel, attorneys, other technical 17 or professional assistants, and any other assistants or 18 employees necessary to carry out the provisions of this 19 part;

(7) issue warrants, payable at the time stated therein, to evidence the obligation to repay money borrowed or any other obligation incurred by the district, warrants so issued to draw interest at a rate fixed by the board, not to exceed 5% per year, payable annually or semiannually as the board may prescribe; 1 (8) contract indebtedness or borrow money for 2 corporate purposes and issue revenue bonds therefor to be 3 repaid from rates and charges, bearing interest at a rate 4 not exceeding 5% per annum payable semiannually, the bonds 5 not to be sold for less than par and accrued interest;

6 (4) prescribe tax rates for the providing of services
7 throughout the area in accordance with the provisions of
8 this part;

9 (10) prescribe such installation or ready-to-serve
10 charges to be used for any costs connected with preparation,
11 acquisition, or construction of the system; and

12 (11) apply for, accept, and be the holder of any permit 13 or license issued by or required under federal or state 14 laws: and

15 <u>(12) provide AM-or EM_translator_services_if_authorized</u> 16 <u>as_provided_in_[section_l]a</u>"

Section 3. Section 7-13-2527, MCA, is amended to read: 17 18 #7-13-2527. List of television or EM_receiver owners. (1) A copy of the order creating the district shall 19 be delivered to the county assessor of each county within 20 the district. If a district is authorized to provide affor 21 EN translator services, a copy of the resolution authorizing 22 23 the services is to be delivered to the county_assessor_of 24 each_county_within_the_districte (2) The assessor shall, on or before August 1 of any 25

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given year, prepare and certify a list of all persons owning 1 television sets within such the district and the county and 2 deliver a copy of such the list to the board of trustees of 3 said the district. At the same times if AM-or EM_translator 4 services_are_authorized: the_assessor_shall_prepare_and 5 certify_a_list_of_all_persons_owning_units_capable_of 6 receiving AN--of EM_broadcasts (88_10_108_MEGAHERIZ) within 7 the district and the county and deliver a copy of the list 8 to the district board of trustees. 9 (3) If the county assessor incurs additional expenses 10 because of the preparation of a list required by this 11 section: the district shall pay those additional expenses." 12 Section 4. Section 7-13-2528, MCA, is amended to read: 13 "7-13-2528. Financial administration of district. (1) 14 The board of trustees shall, from soid any list so prepared 15 by the county assessor as required by 7-13-2527. remove the 16

17 names of any persons who have claimed exemption under this 18 part and shall prepare a budget for the expenses for the 19 next year.

20 (2) The budget, together with the list of such persons 21 residing in the district and subject to the special tax 22 after all exemptions have been allowed as provided in this 23 part, shall be presented by September 1 to the board of 24 county commissioners, who shall levy the tax requested by 25 said trustees. In preparing the budget, the board of

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1 trustees shall maintain separate budgets for television 2 services and for AM--or fM translator services and shall 3 specify the tax to be levied on owners of television sets and on owners of whits capable of receiving AM-or EM 4 broadcasts (88 TU 106 MEGAHERIZ). The board shall levy such 5 tax in accordance with the request herein mentioned. The tax 6 7 shall be certified to the county clerk and recorder and entered on the assessment books as against such persons and 8 collected by the county treasurer as all other taxes are Q collected. 10

11 (3) The county treasurer shall be the treasurer for said district and hold said taxes, as collected, in a 12 13 separate fund to be disbursed by him upon warrants drawn by the trustees, at least two of whom shall sign any warrant 14 15 for the disbursement of such funds by the county treasurer." 16 Section 5. Section 7-13-2529, MCA, is amended to read: 17 "7-13-2529. Exemption for nonbenefited taxpayers. (1) The taxpayers in the television district who do not receive 13 the signal of the television translator station or who 19 receive direct reception from the television station from 20 which the television translator repeats a signal or receive 21 service through the medium of a community antenna system on 22 which they are a subscriber in good standing will be exempt 23 from the payment of the tax for the support of the 24 television services of the television district, provided 25

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they file an affidavit setting forth any of the grounds above mentioned. The affidavit shall be filed with the board of 'trustees, who shall upon the receipt of such affidavit have the names of such persons so exempted from the tax for <u>television_services</u> stricken from the list of taxpayers certified to the board of county commissioners. The exempted persons shall not be liable for such tax.

8 <u>[21_A_similar_exemption_is_available_with_respect_to</u> 9 <u>AM-OF_EM_translator_Services__The_procedure_provided_in</u> 10 <u>subsection_(1)_sball_be_utilized_for_the AM-oF_EM_exemptions</u> 11 <u>t27[3]</u> Any person or persons who shall make a false or 12 fraudulent_claim_for_exemption as provided in this section 13 shall be guilty of a misdemeanor."

Section 6. Codification. It is intended that section 1 be codified as an integral part of Title 7. chapter 13. part 25. and the provisions of Title 7. chapter 13. part 25. apply to section 1.

-End-

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